

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROQUETTE FRÈRES,

Plaintiff,

v.

SPI PHARMA, INC., et. al.

Defendants.

C. A. No. 06-540-***

MEMORANDUM ORDER

At Wilmington, this 19th day of **October, 2007**.

On October 17, 2007, SPI filed a letter requesting an extension of time in which to respond to contention interrogatories propounded by Roquette Frères (“Roquette”). D.I. 118. Although this request was made inconsistent with ¶ 3(e) of the amended scheduling order, due to the timing of the request in relation to the due date for the responses to contention interrogatories and the court’s schedule, the court accepted the letter submission and required Roquette to respond within twenty-four hours.¹ Roquette provided its response on October 18, 2007. D.I. 125.

The court having considered the arguments of the parties,

IT IS ORDERED that:

1. The parties shall exchange responses to contention interrogatories on or before **October 29, 2007**. This Order is not directed to the parties’ obligations under

¹ The discovery issue also dealt with a relatively simple concern. In the future, the court will take no action on requests concerning discovery matters that are inconsistent with 3(e) as modified in this Order.

Fed. R. Civ. P. 26(e).

2. Paragraph 3(e) of the First Amended Scheduling Order dated September 14, 2007 shall now read as follows and shall apply to all future discovery matters:

e. Discovery Matters. Should counsel find they are unable to resolve a discovery matter, the parties involved in the discovery matter(s) shall contact chambers at (302) 573-6173 to schedule a telephone conference. Not less than forty-eight (48) hours prior to the conference, the party seeking relief shall file with the Court a letter, not to exceed three (3) pages, outlining the issues in dispute and its position on those issues. (The Court does not seek extensive argument or authorities at this point; it seeks simply a statement of the issue to be addressed and a summary of the basis for the party's position on the issue.) Not less than twenty-four (24) hours prior to the conference, any party opposing the application for relief may file a letter, not to exceed three (3) pages, outlining that party's reason for its opposition. Should any document(s) be filed under seal, a copy of the sealed document(s) must be provided to the Magistrate Judge within one (1) hour of e-filing the document(s). Should the Court find further briefing necessary upon conclusion of the telephone conference, the Court will order it. Disputes over protective orders or motions for extension of time for briefing case dispositive motions which are related to discovery matters are to be addressed in the first instance in accordance with this paragraph.


UNITED STATES MAGISTRATE JUDGE